

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

June 3, 2013

Lyle W. Cayce
Clerk

No. 12-50461

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

ANDREW MAXWELL PARKER,

Defendant - Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:08-CR-292-1

Before DAVIS, BARKSDALE, and ELROD, Circuit Judges.

PER CURIAM:*

Andrew Maxwell Parker, federal prisoner # 08987-424, appeals a third amended judgment, which modified, in his favor, periods of supervised release imposed pursuant to his pleading guilty to, *inter alia*, counts 27 and 28 of his indictment. Parker raises no issue, however, with respect to that amended judgment. *E.g.*, *Brinkmann v. Dallas Cnty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987) (failure to brief issues relating to judgment appealed from equivalent to not appealing at all). He instead raises claims rejected by the

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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district court in denying his related 28 U.S.C. § 2255 motion. (Although the § 2255 motion was denied, it prompted the judgment's being amended.)

Parker, however, has not obtained the requisite certificate of appealability (COA) authorizing an appeal of those claims. The COA requirement is jurisdictional. 28 U.S.C. § 2253(c); *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003).

On the other hand, Parker has an appeal pending (case number 12-50628) from the denial of his § 2255 motion. The district court denied a COA. He may seek a COA from this court for that appeal.

DISMISSED.